File No. 76-05
Serial Nos. 1-3

1905.

GENERAL AND REVENUE SECRETARIAT.

(III Courts.)

Part A: Manuscript
for November 1905

Serial Nos. 1-3.

Rules relating to the Notification of residence by released convicts

G. R. S. 11] 1905.

GENERAL AND REVENUE SECRETARIAT

(Routine)

NOTES.

File. No 76 35 of 06

FILE HEADING.

Rules relating to the notification of residence by released Convicts ~~of their residence~~ ~~for~~ ~~to be made~~

From

The Inspector General of Police in Mysore

No. 1307/118 Dated 24.8.05 Received ~~28.8.05~~

Diary No. 900 Enclos. Spare Copies. Serial No. 1

~~BRIEF ABSTRACT OF LETTER.~~

Recommends that the rules in force in the Madras presidency relating to the notification to be made by the released convicts of their place of residence, may be enforced in the State, ~~as amended by him~~ with certain amendments

NOTES AND ORDERS.

~~Copy put up~~

Sub section (1) of section 565 of the Criminal Procedure Code lays down that when persons previously convicted of any offence punishable under chapters XII + XVII of the I.P. Code are with 3 years imprisonment or upwards are again convicted of an offence punishable under either of these chapters ~~under either of the chapters~~

NOTES—First sheet.

MGCPB—30,000—17-2-05.

General and Revenue Secretariat. | ~~Civil~~ File No. 36 of 1905-06

Serial No.

~~In a record of~~ Cattle imprisonment for 8 years or upwards, the Court of Session or the Magistrate trying the case may, at the time of passing sentence, also order that the residence of the accused person after release be notified for a term not exceeding five years from the date of expiration of such sentence. and sub section (3) empowers Govt. to make rules & carry out the provisions relating to the notification of such released convicts. The Inspector General of Police has submitted for approval a set of draft rules in the subject on the lines framed in Madras with ~~certain~~ additions.

* Page 576, Part I, of the 2nd St George Gazette, dt 13th June 1905

I do not think this necessary. K

Submitted for orders. May the Chief Court first be officially consulted? 4-1899

SV 30/8/05 31

Put up draft Govt Gazette containing the Madras Rules

S

S-Circular. 31.8.05

Submitted for orders ~~(vide S)~~

SV 11/9/05

2. Rule 2 requires merely that the statement of the place of residence shall be made by the convict before his release, ~~that is done~~ and can be called upon by the Jail Officer to do so.

~~[illegible]~~ Inspector General of Police

NOTE—Contn. sheet.

Serial No.

dient with this Rule to require that the Jail Officer shall give intimation of the prisoner's intention ten days prior to his release. Moreover, it may often be difficult for the prisoner himself to ~~determine~~ articulate where he is going to reside, long before the time for his release arrives. In any case, it is useless to compel him to do so; for there is nothing to prevent his changing his mind at the last moment, & giving another place of residence.

3. In these reasons, the proposed additional rule is misconceived, & it is quite sufficient if the following be added to Rule 2: "Intimation of such ~~intimation~~ residency shall be given by the Officer in charge of the Jail with the least practicable delay to the District Officer ..." [Intimation to the Dist^t General seems unnecessary, & will entail delay, if the lock-up is a mofussil one.].

It is at all events ineffectual as B.K.V.

Even this is ineffectual, as the man may go elsewhere & is not bound to go to the place named by him. B.K.V.

4. Please return a draft of the rule with the above addition; also an order making intimation as above

V. S. Thandavesha Iyer
Regd

NOTE—Contn. sheet.

MGCPB—50,000—17-2-05

G.R.S. 12]

General and Revenue Secretariat.

File No. 76 of 1905.

Serial No.

5. Subd with a draft order + notification as directed

8/9/05

6. Legge

K. S. Chandrasekhara Aiyar

5/9/05

6

7. Submitted to the Dewan Sahib for orders thro the 2nd Councillor

B. K. Venkatarama Ayyangar

8.9.1905

28/4/05

8. The additions made to rule 2 requiring the jail officers to give intimation of the commg to residence to the Police Assistant Superintendent, Assistant Superintendent of Police of the District so that the officer may have his residence noted in the office note to the effect of such release commd when records in the District. It will also facilitate checking exercise of such power by the subordinate Police officers as regards the movements of such men. Rules may be approved with this modification

9/9/05

Note—Contn. sheet

85/10/05

12/9/05

G.R.S. 12]

General and Revenue Secretariat.

5 5

Ct File No. 76 of 1905-06

Serial No.	
	G. I agreement Mr. Hamilton Confidential Secret 14.IX.05 Mulk
10	To The Registrar for circulation. 9.9.1905
8	Mulk 8-9-05 The papers were circulated to Councillors & thereafter returned by them on 20.9.05

NOTE—Contn. sheet.

MGCPB—50,000—17-2-05

7 C 176 gos-A 7

Submitted to His Highness.

Copy put up

12. Section 565(3) of the Code of Criminal Procedure empowers Government to frame rules relating to the notification of the residence of previously convicted offenders. The Inspector General of Police brings to notice that in the absence of any definite rules on the subject, several convicts registered as known Depredators pass out of view constantly and commit depredations. He recommends therefore the introduction of the rules in force in Madras, providing for a careful observation of released convicts. These rules require convicts to notify their place of residence to the Officer in charge of the Jail before release, and any change thereof to the nearest Police Station thereafter. The Inspector General of Police also suggests an additional rule requiring the officer in charge of the Jail to give intimation of such place of residence to the Inspector General of Police at least 10 days before the release of the convict. The Second Councillor is of opinion that such information might more profitably be communicated to the

Paper under disposal

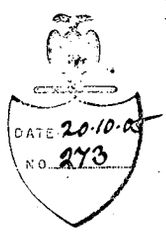
Superintendent of Police of the District in which the convict takes up his residence, so that he might have a record in his office of the number of released convicts residing in the District. The proposed rules with this modification as embodied in the draft order appended, may be graciously approved.

Draft for approval

19.X.05

A 7 96 of 05-06

Record of Case submitted for the orders of His Highness the Maharaja.



Subject.

Rules framed under Sub-section (3) of Section 565 of the Code of Criminal Procedure relating to the notification of residence by released convicts.

Order.

292
24.10.05

Approved. But I would leave the additional rule as drafted. It is the business of the Inspr General of Police I. G. P to give the necessary instruction to the Dist Supdt of Police D. S. P.

~~K R M~~
23/10/05

14. Order and
Branch III
15. Sheet
noted
25/10
24.X.05

G.R.S. 12]

General and Revenue Secretariat.

File No. 76 of 1905

Serial No.	
2	Govt Proc. No. J 1245-55/C-76-2 dt 4th November 1905 to the Asst. Genl. of Orissa and Agent, dept of the 4th Cl., the Asst. General of Orissa in regard the District Magistrates of all districts. Approves the rules proposed, with certain additions etc.
3	do the Compiler, Legislative Gazette. No. J 1260 C-76-3 dt 4th November 1905. Notifies the above rules.

Note—Contn. sheet.

MGCPB—50,000—17-2-05

III Place
Rule
27.8.05

1905-06.

J500?

J. No 35
S. No: 1

From,

The Inspector General of Police
in Mysore.

To,

The Secretary to the Govt. of
H. H. the Maharaja of Mysore,
Genl: & Rev: Departments.

Dated. 26th August 1905

Despatched. 26th August 1905

Received.

General No: 1307
No: 1118

Enclosure No: /

Re rules for the notification of residence by the released convicts

new files
Ref Ens

No: 1307/118

Office of the
Inspector General of Police in Mysore.
Dated, Bangalore, 24th August 1905.

From,

F. E. C. Carr Esquire,
Inspector General of Police in Mysore.

To,

B. K. Venkatavaradaiengar Esquire,
Secretary to the Government of
His Highness the Maharaja of Mysore,
General and Revenue Departments.

Sir,

Adverting to Section 565 of the Criminal Procedure Code, I have the honor to invite the attention of Government to para 3 of the Section which requires rules being framed relating to the Notification of residence by released convicts.

The necessity for passing rules in this direction arises from the fact that several convicts under Chapters 12 and 17, who under the present rules are registered as K.Ds, pass out of view of the Police very constantly and find ample facilities to pursue itinerant habits and thus commit depredations. The desirability of restricting the movements of notorious bad characters is very much felt as will be seen from letter No: 681 dated 10th June 1905 of the Deputy Commissioner, Tumkur District, a copy of which is herein enclosed for information.

The rules in force in the Madras Presidency regarding this matter are given below:-

1. When an order has been passed under section 565 of the Code of Criminal Procedure, ~~1898 (Act V of 1898)~~, that a convict shall notify his residence and any change of residence after release for a specified term, the Court or Magistrate

passing

passing such order shall attach a copy thereof to the warrant of commitment issued under section 383 of the Code in respect of such convict.

2. A convict in respect of whom such an order has been passed shall, when called upon by the Officer in charge of the Jail in which he is confined, state before his release the place at which he intends to reside after his release, naming the village or town and the street therein.

3. After release and on arrival at his residence he shall, within twenty-four hours, notify at the nearest police station that he has taken up his residence accordingly.

4. Whenever he intends to change his residence he shall, not less than two days before making such change, notify his intention at the nearest police station, giving the date on which he intends to change his residence and the name of the village or the town and street in which he intends to reside, and, on arrival at such residence, he shall, within twenty-four hours, notify at the nearest police station that he has taken up his residence accordingly.

5. The officer recording a notification under either rule 2 or rule 4 shall appoint such period as may be reasonably neces-sary to enable the convict to take up his residence in the place notified. If the convict does not take up his residence in such place within the period so appointed, he shall, not later than the day following the expiry of such period, notify his actual place of residence to the officer in charge of the Police station within the limits of which he is residing.

6. Every notice required to be given by the foregoing rules shall be given by the released convict in person unless prevented from doing so by illness or other sufficient cause, in which case the notice required shall be sent either by letter duly signed by him or by an authorised messenger on his behalf.

7. Whenever the released convict gives any notice required

by

by the foregoing rules, he will be furnished with a certificate to the effect that he has given such notice by the officer to whom he gives it.

8. A copy of the order specified in rule 1 shall be served on the convict before his release from Jail. A copy of these rules in English and ~~the Vernacular~~ Urdu shall at the same time be given him, and the substance thereof fully explained to him in a language he understands. He shall also be informed for what period he is bound to observe these rules, and that any neglect or failure to comply with them will render him liable to punishment as if he had committed an offence under section 176 of the Indian Penal Code.

9. If a convict in respect of whom an order has been passed under section 565 of the Code of Criminal Procedure shall have been released from Jail without a copy of the said order having been served upon him, and the other formalities specified in these rules having been complied with, he may at any time while the order remains in force be called upon by the Police to report himself on a given day at a Police Station near the place where he is found, and on his reporting himself the copy of the order shall be served on him and the other formalities prescribed in rule 8 shall be complied with.

NOTE:- In applying the above rules to the case of a wandering man who has no "residence" in the sense of a fixed place of abode, they may be reasonably interpreted as meaning that he resides at the place where he sleeps, even if he remains there only one night. On his release he may, therefore, be asked under rule 2 where he is going to stay, and he may be told that if he moves about the country he must always notify the place of his temporary abode to the police.

These rules make necessary provision for a careful observation of the released convict except that no provision is made for the intimation of the notification recorded by the officer in charge of the Jail (vide rule 2) to the Inspector

General

Genral of Police to enable him to issue necessary instructions to the Police of the locality in which the prisoner takes up his residence with a view to see that the convict does not evade observation. I would therefore propose that an additional rule as given below be inserted between rules 2 and 3 quoted above.

"The Officer in charge of the Jail, recording a notification under rule 2 shall send an intimation to the Inspector General of Police at least 10 days (or) before the release of the convict."

I therefore recommend that the rules in force in the Madras Presidency with the addition as proposed above may be enforced in this Province also.

I request that you will be so good as to move the Government to pass early orders in the matter.

I have the honor to be,
Sir,
Your most obedient servant,

Inspector General of Police.

Enclosure to the above

P.T.O

Letter No. 681 dt. the 10th June 1905 from C. Sankaran Nair Asst. Superintendent in charge of the Tuticorin Sub-Jail to the Inspector General of Police.

1904-05. 5

From,

C. Seshadriengar Esquire,
Assistant Commissioner in
charge of the Tumkur Distric

To,

Rao Bahadur C. Madiah Esquire,
Inspector General of Police
in Mysore.

Dated. 10th
Despatched. 12th June 1905.
Received.
General No: 681.
No:

Enclosure No:

Sir,.

I have the honor to request the favour of your moving the Government for the early issue of the rules under the provisions of section 565 (cl.3) of the revised Code of Crimina Procedure as several instances have lately come to light in which convicts released from jail subject to the conditions prescribed in the Ticket of leave rules sanctioned in Government Proceedings No: 11-737-J 1457 dated the 17th April 1899, have passed out of view.

2. An ex-convict named Ganga who had been convicted in a case of dacoity

dacoity and who was released on the 12th September 1904, was re-arrested and committed to prison to undergo the unexpired term of imprisonment as per Proceedings of Government No: J 2277-8/x Pri 51-2 dated 10th February 1905 for having failed to abide by the conditions of the Ticket-of-leave issued to him.

3. Three more persons named Venkata, Rama and Chik Nooniga - Takku Wodders convicted of dacoity in Gubbi Taluk and sentenced to 5 years Rigorous imprisonment by the Chief Court of Mysore on 19th November 1900 - were released from Mysore Jail in March 1905 on Tickets-of-leave Nos: 3, 4 and 5. After their release they passed out of view and their whereabouts could not be ascertained till one of them, referred to in Ticket-of-leave No: 3/04-05 was traced in a gang of Takku Wodders that arrived from Madaksira last month at Sira. It was discovered that the ex-convict had in the mean-time assumed the name of Dod Venkata and had changed his father's name to Thimma. He and two others committed theft of a goat soon after their arrival at Sira and were brought to trial before the 1st general Assistant Commissioner and 1st class Magistrate. As his identity was satisfactorily established at the trial Venkata was sentenced to 2 years rigorous imprisonment while his accomplices got one year each (vide copy of Judgment in criminal case No: 46 of 1905 attached). The other 2 Ticket-of-leave prisoners (Nos: 4 & 5) are still at large and it is believed that they have also changed their names and are now residing either in Madaksira or in Goribidanur Taluk where their relatives are ascertained to have fixed their temporary abodes.

4. I have separately addressed the Government on the subject of cancelling the remissions granted to these three persons with a view to enable the Police not only to trace the ex-prisoners still at large but also to procure their re-commitment to jail to undergo the unexpired period of their sentences

5. Mr. L. Krishna Rao, Superintendent of Police brings to my notice that during the past 12 months several members of such gangs whose names are borne on the K.D. registers have disappeared from their registered places of abode and that in the absence of any definite rules under the provisions of section 565 of the Criminal Procedure Code, it is difficult

either

either to make them give up their roving habits or to induce them to settle and take to some honest pursuit.

6 I fully endorse the views expressed by Mr. L. Krishna Rao and venture to hope that the rules will be so framed as to provide an adequate check on the itinerate tendencies of the criminal classes. If the registered K. Ds in a gang are required after their release from jail to notify their residence and to report themselves periodically to the nearest Police Station House Officer or to the Superintendent of Police for a period of 5 years the influence indirectly exercised on the other members of the gang to which such K. Ds belong will be certainly beneficial.

I have &c.,

(Signed.) L. Krishna Rao.

For Deputy Commissioner,

Tumkur District.

"C O P Y"

J.C.C.

Inspector General of Police.

8

2 Drafts

G.R.S. 28]

Crl 76

File No. 76

Serial No. 2

Diary No. of letter replied to ———

GENERAL AND REVENUE SECRETARIAT.

( )

, the 190

Date of issue 4 : 11 : 1905

Signed by Mr. R.S. Subramanya Sekhara Aiyar

Proceedings of the Government of His Highness the Maharaja of Mysore. No. J 1245-59 Ch 76-2.

Re Draft Rules under Sec 565 (2) Cr. P. Code relating to the Registration of Residence by Released Convicts in the Districts of Bangalore, Kolar, Tumkur, Chitaldrug, Shimoga, Kadur, Hassan & the District Magistracy Districts.

READ.—

P.T.O. 8

Letter No. 1307/118 dated the 26th August 1905, from the Inspector General of Police in Mysore, submitting for approval a draft of the rules framed under sub section (2) of Section 565 of the Criminal Procedure Code, relating to the notification of residence by released Convicts.

(Printed in Enclosure without enclosure).

ORDER THEREON.—No.

Order thereon No. J 1249-59 Ch 76-2.

over Rule

SUBJECT

Rule 2 of the Madras Rules on the subject which are proposed for adoption requires merely that the statement of the place of residence shall be made by the Convict "before his release" and on being called upon by the jail Officer to do so. It would be inconsistent with this rule to require the jail officer to give intimation of the prisoner's intention ten days before his release as suggested by the Inspector General of Police. Moreover it may be often difficult for the prisoner himself to anticipate where he is going to reside long before the time for his release arrives & in any case it is useless to compel him to do so, for there is nothing to prevent his changing his mind at the last moment and giving another place of residence.

2. For the above reasons the Government are of opinion that

G.R.S. 27]

GENERAL AND REVENUE SECRETARIAT.

(*Continuation Sheet draft form.*)

the addition proposed by the D.G. of Police ~~seems~~ is inexpedient and that it is quite sufficient if the following sentence be added to rule 2 of the Madras Rules :—

"Intimation of such place of residence shall be given by the Officer in charge of the jail with the least practicable delay to the ~~Supdt. or Asst. Supdt. of Police~~ ~~Police Inspector~~ of the ~~Taluk~~ District in which ~~such place is situated~~ the convict will reside."

3 With the above addition the Rules proposed are approved and ~~will be notified in the Gazette~~ ~~are appended hereto~~.

5.9.05

Secretary

~~(Have printed the Rules)~~

To

The D.G. of Police in Mysore

" Registrar, Chief Court

" D.G. of Prisons in Mysore

" District Magistrates &c.

Copies 6/2/11/05

& annexed SK

5/9/05

11 Chiefs Office Copies

File No. 76

S. No. 3

No J 1260 / C 76-3 Dt 4-11-1905

Notification

In exercise of the powers conferred by S. No. 3
sub section (3) of Section 565 of the Code of
Criminal Procedure, Regulation II of 1904, the
Government of His Highness the Maharaja
of Mysore are pleased to issue the follow-
-ing rules to carry out the provisions of the
said section relating to the notification
of residence by released convicts

[Here enter draft rules attached]

B. K. Venkatagiriyanna 5-11-1905
Secretary

To

The Compiler Mysore Gazette with Kannada translation
for publication
in three successive issues of Part III of the Gazette
& for transmission of 300 spare copies to this office.

SV
4/11/05

Copies sent 2/11/05
Examined SV

NOTIFICATION.

No. J. 1260—*Courts* 76-3, *dated 4th November* 1905.

In exercise of the powers conferred by sub-section (3) of Section 565 of the Code of Criminal Procedure, Regulation II of 1904, the Government of His Highness the Maharaja of Mysore are pleased to issue the following rules to carry out the provisions of the said Section relating to the notification of the place of their residence by released convicts:—

1. When an order has been passed under section 565 of the Code of Criminal Procedure, Regulation II of 1904, that a convict shall notify his residence and any change of residence after release for a specified term, the Court or Magistrate passing such order shall attach a copy thereof to the warrant of commitment issued under section 383 of the Code in respect of such convict.

2. A convict in respect of whom such an order has been passed shall, when called upon by the officer in charge of the Jail in which he is confined, state before his release the place at which he intends to reside after his release, naming the village or town and the street therein. Intimation of such place of residence shall be given by the officer in charge of the Jail with the least practicable delay to the Inspector-General of Police.

3. After release and on arrival at his residence, the convict shall, within twenty-four hours, notify at the nearest Police Station that he has taken up his residence accordingly.

4. Whenever he intends to change his residence, he shall, not less than two days before making such change, notify his intention at the nearest Police Station, giving the date on which he intends to change his residence and the name of the village or the town and the street in which he intends to reside, and, on arrival at such residence, he shall, within twenty-four hours, notify at the nearest Police Station that he has taken up his residence accordingly.

5. The officer recording a notification under either rule 2 or rule 4 shall appoint such period as may be reasonably necessary to enable the convict to take up his residence in the place notified. If the convict does not take up his residence in such place within the period so appointed, he shall, not later than the day following the expiry of such period, notify his actual place of residence to the officer in charge of the Police Station within the limits of which he is residing.

6. Every notice required to be given by the foregoing rules shall be given by the released convict in person, unless prevented from doing so by illness or other sufficient cause, in which case the notice required shall be sent by letter duly signed by him or by an authorised messenger on his behalf.

7. Whenever the released convict gives any notice required by the foregoing rules, he will be furnished with a certificate to the effect that he has given such notice by the officer to whom he gives it.

8. A copy of the order specified in rule I shall be served on the convict before his release from Jail. A copy of these rules in English and in Kannada shall at the same time be given him, and the substance thereof fully explained to him in a language he understands. He shall also be informed for what period he is bound to observe these rules, and that any neglect or failure to comply with them will render him liable to punishment as if he had committed an offence under section 176 of the Indian Penal Code.

9. If a convict in respect of whom an order has been passed under section 565 of the Code of Criminal Procedure shall have been released from Jail without a copy of the said order having been served upon him, and the other formalities specified in these rules having been complied with, he may at any time while the order remains in force, be called upon by the Police to report himself on a given day at a Police Station near the place where he is found, and on his reporting himself, the copy of the order shall be served on him and the other formalities prescribed in rule 8 shall be complied with.

Note.—In applying the above rules to the case of a wandering man who has no "*residence*" in the sense of a fixed place of abode, they may be reasonably interpreted as meaning that he resides at the place where he sleeps, even if he remains there only one night. On his release he may therefore be asked under rule 2 where he is going to stay, and he may be told that if he moves about the country he must always notify the place of his temporary abode to the Police.

By Order,

B. K. VENKATA VARADA IYENGAR,
Secy. to Govt., Gen. & Rev. Dept.